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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,350	09/26/2003	Hideharu Mochizuki	030712-10	5253

22204 7590 02/14/2006

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EXAMINER

BROWN JR, NATHAN H

ART UNIT PAPER NUMBER

2121

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,350	<b>Applicant(s)</b> MOCHIZUKI, HIDEHARU	
	<b>Examiner</b> Nathan H. Brown, Jr.	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## Examiner's Detailed Office Action

1. This Office is responsive to application 10/670350, filed September 26, 2003.
2. Claims 1-4 have been examined.

### Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are considered to be an abstract representation or software which do not meet the standard set forth in the State Street Bank case of being tangible, useful, and concrete. In this instance the claims are not considered to be tangible since no real world result is provided. An outline-processor that surrounds each program constituted from a plurality of programs by a respective frame having diagram-displays that connect the frames by a line, in the abstract, is not a real world result that has practical application.

## Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

AC.  
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1-4  
6. Claims ~~1 and 2~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cross II et al.* "Control Structure Diagrams for Ada 95", 1996 in view *Hendrix et al.*, "Visual Support for Incremental Abstraction and Refinement in Ada 95", 1998.

Regarding claim 1. *Cross II et al.* teach an outline-processor (see Abstract, *Examiner interprets Control Structure Diagrams (CSD's) to be outlines.*) that surrounds each of programs constituted from plural programs by a respective frame ... (see Fig. 5, *Examiner interprets CSD box symbols to be frames.*). *Cross II et al.* does not teach an outline-processor that has diagram-displays that connect the frames by a line, wherein if the inside of the frame is clicked by mouse, a source of the program therein is outline displayed. *Hendrix et al.* do teach an outline-processor that has diagram-displays that connect the frames by a line (see Fig. 2), wherein if the inside of the frame is clicked by mouse, a source of the program therein is outline displayed (see p. 154, col. 1, "A user can select portions of code according to control structure boundaries, program module boundaries, or arbitrary boundaries, and then fold them into the single CSD symbol shown in Figure 3", *Examiner interprets "select portions of code" to mean clicking on the CSD folding*

*symbol.*). It would have been obvious at the time the invention was made to persons having ordinary skill in the art to combine *Cross II et al.* with *Hendrix et al.* to improve the comprehension efficiency of software and, as a result, improve reliability and reduce costs during design, implementation, testing, maintenance and reengineering.

Regarding claim 2. *Cross II et al.* teach the outline-processor according to claim 1 (*see above*), having diagram-displays ... that display respective arguments of the programs in the vicinity of the frames ... of the programs (*see Fig. 2*).

Regarding claim 3. *Cross II et al.* teach the outline-processor according to claim 1 (*see above*). *Cross II et al.* do not teach displaying frame lines of the program thick before expansion and thin after expansion to change the thicknesses of the frame lines of the program before and after expansion. *Hendrix et al.* do teach displaying frame lines of the program thick before expansion (*see Fig. 3, Examiner notes the bolded frame lines of the CSD.*) and thin after expansion (*see Fig. 6, Examiner notes that the frame containing the module summary comments is not bolded.*) to change the thicknesses of the frame lines of the program before and after expansion.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Cross II et al.* in view *Beaudouin-Lafon*, "Novel Interaction Techniques for Overlapping Windows", 2001.

Regarding claim 4. *Cross II et al.* teach the outline-processor according to claim 1 (*see above*). *Cross II et al.* do not teach the outline-processor according to claim 1, wherein when the

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plurality of programs is outline-displayed ... in a plural number, a newest outline-display ... is displayed in front. *Beaudouin-Lafon* does teach an outline-processor according to claim 1, wherein when the plurality of programs is outline-displayed ... in a plural number, a newest outline-display ... is displayed in front (*see* p. 153, §TABBED WINDOWS, Fig. 2, “Leafing facilitates this look-up phase: in addition to popping up the tabs while mousing over them, the corresponding pages are displayed on top.” *Examiner interprets the tabbed window to be an outline-display of a plurality of programs (one tab per program) and the page corresponding to a popped up tab to contain the source code for a program.*).

## Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan H. Brown, Jr. whose telephone number is 571-272- 8632. The examiner can normally be reached on M-F 0830-1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions

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on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Knight  
Supervisory Patent Examiner  
Tech Center 2100

Nathan H. Brown, Jr.  
February 9, 2006